16:Bandelier E-4 (no date)1880 NU7 Aztec NU7

appoint his subalterns in the field, and as executor of justice he had the same privilege while at the pueblo. The "teachcauhtin," therefore selected his own assistants and runners. Accompanied by them and carrying his staff of office, whose tuft of white feathers intimated that his coming might threaten death,[164] the "elder brother" circulated through his calpulli, preserving order and quietness in every public place thereof. If he found or heard of any one committing a nuisance or crime, he could seize him forthwith and have him carried to the official house, there to be disposed of as the custom and law of the kin required. But it is doubtful whether, except in extraordinary instances, he was authorized to do justice himself without the council's knowledge and consent.[165]

Ere we pass over now from the functions of the kin to those of the ancient Mexican tribe, we must however dwell at some length on a peculiar institution, yet shared by the Mexicans in common with Indian tribes in general. We refer to the rank and dignity of CHIEF among them. Chieftaincy and office are far from being equivalent. The former is a purely personal, non-hereditary distinction, bestowed in reward of merit only, whereas the latter is a part of the governmental machinery.[166] Hence it follows that a chief might fill an office or not, and still remain a chief, whereas

personnes notables qui portaient le titre de achcacaulitin qui est un nom de charge, comme l'est aujourd'hui celui d'alguazile." *Sahagun* (Lib. VIII, cap. XVII, p. 305) calls the Achcacauhtli "(ó verdugos) que tenian cargo de matar á los que condenaba el señor." *Torquemada* (Lib. XI, cap. XXVI, p. 355), "llamabanse Achcauhtli, que quiere decir maiores." There is hardly any doubt as to their functions.

[164] White was the color of death. (Bleaching skulls and bones!) This is amply proven by their mode of declaring, or rather announcing, war. The custom of carrying "staffs of office" is well established.

[165] *Torquemada* (Lib. XI. cap. XXVI, p. 353). *Clavigero* (Lib. VII, cap. XVI. p. 482) calls those "who arrested" delinquents "topilli." But this word means simply "rod, or baton of justice, staff, etc." (*Molina*, II, p. 150), and not office. There is no evidence that these officers might kill, without previous decision of the council, except perhaps in the great market place. *Cortés* ("*Carta Segunda*," Vedia I, p. 83): "Hay en la dicha plaza otras personas que andan continuo entre la gente mirando lo que se vende y las medidas con que miden lo que venden, y se ha visto quebrar alguna que estaba falsa." *Oviedo* (Lib. XXXIII, cap. X, p. 301) copies Cortés, adding, however, "é quiebran lo que está falso, é penan al que usaba dello." *Bernal Diaz de Castillo* (Cap. XCII, p. 89) simply remarks: "y otros como alguaziles ejecutores que miraban las mercadérias," (Vedia, Vol. II). I hardly need any reference in regard to the manner of acting and mode of appearance of the "elder brothers." Their functions of "police" are repeatedly described in the older sources.

[166] *L. H. Morgan* ("*Ancient Society*," p. 71): "Nearly all the American Indian tribes had two grades of chiefs, who may be distinguished as sachems and common chiefs. Of these two primary grades all other grades were varieties. . . . The office of sachem was hereditary in the gens, in the sense that it was filled as often as a vacancy occurred; while the office of chief was non-hereditary, because it was bestowed in reward of per-